

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

An Independent Agency of the Executive Branch

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BOARD MEMBERS:

James Albert, Chair
Janet Carl, Vice Chair
Gerald Sullivan
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Patricia Harper

TO: GOVERNMENT OVERSIGHT COMMITTEE
FROM: CHARLIE SMITHSON, ETHICS BOARD DIRECTOR & COUNSEL
DATE: DECEMBER 9, 2005
Re: BOARD REFERRAL

This memorandum is a referral from the Iowa Ethics and Campaign Disclosure Board (Board) to the Government Oversight Committee as follows:

1. Jon Judson and Dan Brouse (complainants) brought to the Board's attention a situation involving the Dallas County Soil and Water Conservation District (District). The complainants alleged that the District was engaged in competition with private business in violation of Iowa Code chapter 23A and that certain officials/employees of the District were engaged in a conflict of interest under Iowa Code section 68B.2A.
2. The Board directed an investigation into the allegation of the conflict of interest. The Board declined to investigate the allegation of a violation of Iowa Code chapter 23A as the Board does not have jurisdiction over that chapter.
3. On December 1, 2005, the Board reviewed the results of the investigation and made the following determinations:
 - A. That the District is a county entity. As such, the Board does not have jurisdiction over that body for purposes of enforcing the ethics laws in Chapter 68B.
 - B. That any state employees involved in work at the District are not engaged in an impermissible conflict of interest under Iowa Code section 68B.2A. Rather, these persons are engaged in their official state employments and are not benefiting any outside employment or activity that would trigger application of the prohibition.
4. As a result of the Board's determinations, the Board directed the following:
 - A. That this issue be referred to the Government Oversight Committee and the Dallas County Attorney's Office. These referrals are being made without the Board speaking to the merits of the allegations being made other than what has been set out herein.
5. The complainants have been made aware of the Board's determinations. I will provide the contact information for each of the complainants if the Committee so desires.